

1 WRIGHT, FINLAY & ZAK, LLP  
2 Edgar C. Smith, Esq.  
3 Nevada Bar No. 5506  
4 Krista J. Nielson, Esq.  
5 Nevada Bar No. 10698  
6 7785 W. Sahara Ave., Suite 200  
7 Las Vegas, NV 89117  
8 (702) 475-7964; Fax: (702) 946-1345  
9 [esmith@wrightlegal.net](mailto:esmith@wrightlegal.net)  
10 [knielson@wrightlegal.net](mailto:knielson@wrightlegal.net)

11 *Attorneys for Plaintiff/Counter-Defendant, PROF-2013-S3 Legal Title Trust IV, by U.S. Bank National*  
12 *Association, as Legal Title Trustee*

13 **UNITED STATES DISTRICT COURT**  
14 **DISTRICT OF NEVADA**

15 PROF-2013-S3 LEGAL TITLE TRUST IV, BY  
16 U.S. BANK NATIONAL ASSOCIATION, AS  
17 LEGAL TITLE TRUSTEE,

18 Plaintiff,

19 vs.

20 REO INVESTMENT ADVISORS V, LLC,  
21 RICHARD BARON, MANAGER; EL  
22 DORADO NEIGHBORHOOD SECOND  
23 HOMEOWNERS ASSOCIATION,

24 Defendants.

25 REO INVESTMENT ADVISORS V, LLC,

26 Counterclaimant,

27 vs.

28 PROF-2013-S3 LEGAL TITLE TRUST IV, BY  
U.S. BANK NATIONAL ASSOCIATION, AS  
LEGAL TITLE TRUSTEE,

Counter-Defendant.

Case No.: 2:17-cv-00277-JCM-CWH

**AMENDED STIPULATION AND  
ORDER TO EXTEND DISCOVERY  
DEADLINES**

**[SECOND REQUEST]**

Plaintiff/Counter-Defendant, PROF-2013-S3 Legal Title Trust IV, by U.S. Bank National  
Association, as Legal Title Trustee (hereinafter "PROF"), Defendant/Counterclaimant, REO Investment

1 Advisors V, LLC (hereinafter "REO"), and Defendant, El Dorado Neighborhood Second Homeowners  
2 Association ("HOA") (collectively, the "Parties"), by and through their respective counsels of record,  
3 hereby submit the following Stipulation and Order to extend the discovery deadlines for sixty (60) days.  
4

5 **A. DISCOVERY COMPLETED TO DATE:**  
6

7 PROF served its Initial Disclosure of Witnesses and Documents on May 17, 2017, disclosed its  
8 expert witness on August 15, 2017, and served its Supplemental Disclosures on November 14, 2017.  
9 HOA served its Initial Disclosure of Witnesses and Documents on November 17, 2017. PROF also  
10 propounded written discovery on REO and HOA, and served a deposition subpoena duces tecum to Terra  
11 West Collections Group, LLC d/ba Assessment Management Services ("HOA Trustee"). PROF also  
12 completed the deposition of HOA Trustee on November 8, 2017. PROF also scheduled the depositions of  
13 REO and HOA for November 21 and November 27, 2017, respectively.  
14

15 **B. DISCOVERY ANTICIPATED TO BE COMPLETED IN THE FUTURE:**  
16

17 PROF has the deposition of HOA scheduled for November 27, 2017. PROF and REO are working  
18 to reschedule the deposition of REO's corporate designee after the designee's depositions previously  
19 scheduled for October 23, 2017 and November 21, 2017, did not go forward. PROF also expects to  
20 disclose additional documents pursuant to the stipulated protective order granted on November 21, 2017.  
21

22 **C. REASONS WHY DISCOVERY SHOULD BE EXTENDED:**  
23

24 Regarding the requested extension of discovery, good cause exists to extend the discovery  
25 deadline 60 days. Good cause to extend the discovery cutoff exists "if it cannot reasonably be met despite  
26 the diligence of the party seeking the extension." *See Johnson v. Mammoth Recreations, Inc.*, 975 F.2d  
27 604, 608-09 (9th Cir. 1992). Here, PROF noticed the deposition of REO within the discovery period,  
28 however, REO's corporate designee, at the last minute on two occasions, notified PROF's counsel they

1 would not be able to attend the scheduled deposition. Further, PROF expects to disclose additional  
2 documents prior to the end of the discovery period that should be received by PROF's counsel shortly.  
3 PROF's failure to seek an extension sooner is also the result of excusable neglect as PROF timely noticed  
4 the deposition of REO but REO did not appear at two scheduled depositions, requiring rescheduling. This  
5 is the parties' second request for this extension and is not intended to cause any delay or prejudice to any  
6 party.

7 **D. PROPOSED DISCOVERY EXTENSION:**

8 **1. The current discovery deadlines**

9	Deadline to complete discovery:	<b>November 29, 2017</b>
10	Motion to amend pleadings or add parties	<b>August 1, 2017 (unchanged)</b>
11	Initial Expert Disclosures	<b>August 31, 2017 (unchanged)</b>
12	Rebuttal Expert Disclosures	<b>September 29, 2017 (unchanged)</b>
13	Dispositive Motion Deadline	<b>December 29, 2017</b>

14 **2. Proposed extended discovery deadlines:**

15	Deadline to complete discovery:	<b>January 29, <del>2017</del> 2018</b>
16	Motion to amend pleadings or add parties	<b>August 1, 2017 (unchanged)</b>
17	Initial Expert Disclosures	<b>August 31, 2017 (unchanged)</b>
18	Rebuttal Expert Disclosures	<b>September 29, 2017 (unchanged)</b>
19	Dispositive Motion Deadline	<b>February 28, <del>2017</del> 2018</b>

20  
21 IT IS SO STIPULATED.  
22  
23  
24  
25  
26  
27  
28

1 DATED: November 22, 2017.

2 WRIGHT, FINLAY & ZAK, LLP

3  
4 /s/ Krista J. Nielson

5 Edgar C. Smith, Esq.

6 Nevada Bar No. 5506

7 Krista J. Nielson, Esq.

8 Nevada Bar No. 10698

9 7785 W. Sahara Ave., Suite 200

10 Las Vegas, NV 89117

11 *Plaintiff/Counter-Defendant, PROF-2013-*

12 *S3 Legal Title Trust IV, by U.S. Bank*

13 *National Association, as Legal Title Trustee*

14 DATED: November 22, 2017.

15 HONG & HONG

16 /s/ Joseph Y. Hong

17 Joseph Y. Hong, Esq.

18 Nevada Bar No. 05995

19 10781 West Twain Avenue

20 Las Vegas, NV 89135

21 *Defendant/Counterclaimant, REO*

22 *Investment Advisors V, LLC*

DATED: November 22, 2017.

LEACH JOHNSON SONG &  
GRUCHOW

/s/ Ryan D. Hastings

Sean L. Anderson, Esq.

Nevada Bar No. 7259

Ryan D. Hastings, Esq.

Nevada Bar No. 12394

8945 West Russell Road, Suite 330

Las Vegas, Nevada 89148

*Defendant Eldorado Neighborhood*

*Homeowners' Association*

18 **ORDER**

19 IT IS SO ORDERED.

20 DATED this \_\_ November 27 \_\_ 2017.

21  
22   
23 U.S. MAGISTRATE JUDGE  
24  
25  
26  
27  
28